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MAR 27 2014

Gambling Commission
Comm. & Legal Division

STATE OF WASHINGTON
GAMBLING COMMISSION

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MAR 19 2014
Gambling Commission
Comm. & Legal Division

In the Matter of the Revocation of the)
License to Conduct Gambling)
Activities of:)
)
Adam Kilminster)
Kenmore, Washington,)
)
Licensee.)
_____)

NO. CR 2013-02049

SETTLEMENT ORDER

The Washington State Gambling Commission and the licensee, Adam Kilminster, agree to this Settlement Order to resolve the administrative charges pending against him. Gregory J. Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Mr. Kilminster represents himself.

I.

The Washington State Gambling Commission issued Adam Kilminster the following license: Number 68-29699, authorizing Card Room Employee activity.

The license expires on March 31, 2014, and was issued subject to Mr. Kilminster's compliance with state gambling laws and rules.

II.

On February 3, 2014, Adam Kilminster was served with the Notice of Administrative Charges. On February 18, 2014, he requested an Administrative Hearing on his revocation proceedings.

III.

SUMMARY:

On July 22, 2013, Adam Kilminster, Poker Supervisor, admitted he took \$100 from the Silver Dollar Casino in Mill Creek.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter

9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.¹

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.²

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities.

3) RCW 9.46.190 Violations relating to fraud or deceit.

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(1) Employ any device, scheme, or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made.

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¹ RCW 9A.76.175 Making a false or misleading statement to a public servant- A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

² RCW 9A.76.175 Making a false or misleading statement to a public servant- A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

4) RCW 9.46.153 Applicants and licensees — Responsibilities and duties — Waiver of liability — Investigation statement as privileged.

(The following subsection applies.)

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Adam Kilminster admitted to taking \$100 from the Silver Dollar Casino and making two false statements about what occurred, in violation of RCW 9.46.190. By doing so, Mr. Kilminster has failed to establish by clear and convincing evidence, as required by RCW 9.46.153(1), that he is qualified to be licensed. In addition, based on his actions, he poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. As a result, there are grounds to revoke Adam Kilminster's license based on RCW 9.46.075(1), (7), (8), and (10) and WAC 230-03-085(1), and (8).

IV.

Adam Kilminster acknowledges that he received and read the Notice of Administrative Charges in this case, and understands the facts and violations alleged in it. Mr. Kilminster has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

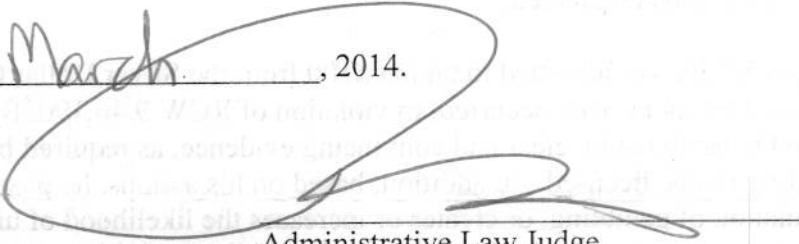
- 1) Adam Kilminster shall surrender his Card Room Employee license, effective March 12, 2014. After that date, he will not be authorized to conduct Card Room Employee activity.
- 2) In the event Adam Kilminster applies for certification or a gambling license, he will be subject to all the Commission's investigative procedures for processing such application. Furthermore, no promises or assurances have been made to Adam Kilminster that he will receive a license or certification from the Commission should he apply.
- 3) Adam Kilminster shall have no involvement whether paid or unpaid, in the ownership, operation, or financing of any activity regulated by the Washington State Gambling Commission. This does not prevent Mr. Kilminster from working in non-gambling related employment at an establishment engaged in authorized gambling activities.
- 4) **The signed Settlement Order must be received by Commission staff by March 12, 2014.** and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:


Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 25th day of March, 2014.

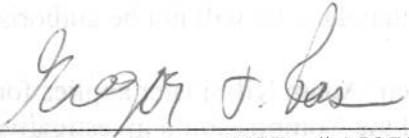

Administrative Law Judge

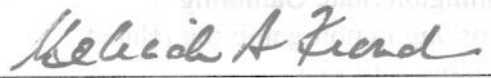
By his signature, the licensee
understands and accepts the terms
and conditions of this Order.

APPROVED FOR ENTRY:


Adam Kilminster
Licensee
3-11-14
(Date)

APPROVED AS TO FORM:


Gregory J. Rosen, WSBA# 15870
Assistant Attorney General,
Representing the Washington State
Gambling Commission


Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission